

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

March 7, 2012
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, McCaffrey, Fogle, Schrader, and Genewick.

RECESS

Recess for public input.

030712.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of February 15, 2012 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

FROM THE MAYOR

Appointments:

3/1/12 Don Swanson, 105 DeSales Cicle, Lockport, NY – re-appointed as a member of the Planning Board. Said term expires October 14, 2014.
Received and filed.

3/1/12 David Chamberlain, 10 Kingston Circle, Lockport, NY – re-appointed as a member of the Planning Board. Said term expires October 14, 2014.
Received and filed.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

2/21/12 Kim Mansfield, Financial Director, Lockport CARES, Inc, PO Box 586, Lockport, NY – request permission to conduct a Sleep Out for the Homeless event at Altro Park on Friday, May 18, 2012.
Referred to the Committee of the Whole

2/27/12 Richelle J. Pasceri, City Clerk – The following bid proposals for Chipping of Trees were received and opened on February 24, 2012:

M.A.M. Leasing Company LLC Niagara Falls, NY	\$ 59,000
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Terry Tree Service, LLC Rochester, NY	\$ 28,700
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Eastcom Utility Contractors, Inc. Central Square, NY	\$ 34,480
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Concrete Depot Cheektowaga, NY	\$ 64,500
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Referred to the Committee of the Whole

2/28/12 Elaine Harrigan, Marketing Director, Kenan Center, 433 Locust Street, Lockport, NY – request permission to hang a banner over East Avenue to promote the 100 American Craftsmen event.

Referred to the Committee of the Whole

3/5/12 Raymond Pierce, Chairman, VFW Post 2535, 112 Caledonia Street, Lockport, NY – request permission to conduct a Memorial Day Parade on Sunday, May 27, 2012.

Referred to the Committee of the Whole

3/5/12 Peggy Allen, Lockport Family YMCA, 19 East Avenue, Lockport, NY – request permission to conduct the YMCA Healthy Kids Day on April 28, 2012.

Referred to the Committee of the Whole

3/6/12 Charlene Bower, Lockport in Bloom Committee – request permission to conduct the 8th Annual Lockport In Bloom Garden Tour July 7th and 8th, 2012, and to hang signage in various areas to promote same.

Referred to the Committee of the Whole.

Notice of Defect:

3/2/12 19 Utica Street, Lockport, NY – tree

3/5/12 274 Church Street, Lockport, NY - tree

Referred to the Director of Engineering.

Notice of Claim:

3/6/12 Linda Coffey, 670 Gardenwood Drive, Lockport, NY

Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

030712.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on March 9, 2012.

Seconded by Alderman Lombardi and adopted. Ayes 6.

030712.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

030712.4

By Alderman Lombardi:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Derrick J. Starks	5	Laborer

Seconded by Alderman Schrader and adopted. Ayes 6.

030712.5

By Alderman Lombardi:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their annual Mother's Day Breast Cancer Canal Walk on Sunday, May 13, 2012 and to barricade Market Street from North Adam Street to Wide Waters Marina between the hours of 12:30 p.m. – 2:30 p.m. and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the walk route by the Police Chief and the American Cancer Society filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to make arrangements to deliver barricades, traffic cones, and street closed signs and arrange to have the restroom open at the park on said date.

Seconded by Alderman Genewick and adopted. Ayes 6.

030712.6

By Alderman Schrader:

Resolved, that the Lockport Business Association is hereby granted permission to use Ida Fritz Park and to barricade West Avenue and Park Avenue at Hawley Street to North Transit Street and Hawley Street between Park Avenue and West Avenue to conduct "A Taste of Lockport" on Sunday, August 19, 2012 from noon to 6:00 p.m., and be it further

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that permission is granted to erect a banner across East Avenue at Davison Road at least 17 feet from the ground from July 21, 2012 until August 21, 2012, to promote the Taste of Lockport, and be it further

Resolved, that said permissions are subject to the Taste of Lockport filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for delivery of barricades to the area prior to the event and to arrange for the banner to be erected.

Seconded by Alderman Lombardi and adopted. Ayes 6.

030712.7

By Alderman McCaffrey:

Resolved, that pursuant to their request, the American Cancer Society is hereby granted permission to conduct their 2nd Annual 5K Road Race on Saturday, June 16, 2012, subject to approval of the race route by the Police Chief and subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for delivery of barricades and cones as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Kibler and adopted. Ayes 6.

030712.8

By Alderman Schrader

Resolved, that resolution number 122111.10D regarding Outwater Park improvements be amended by deleting account #005-0005-0096 and replacing it with Account #005-0005-0095.

Seconded by Alderman Kibler and adopted. Ayes 6.

By Alderman Genewick:

Resolved, that the reading of the foregoing resolution be and the same is hereby waived.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

030712.9

By Alderman Schrader:

Resolved, that the Farmers' Market is hereby established for the 2012 season and the following rules and regulations are hereby adopted:

CITY OF LOCKPORT FARMERS MARKET RULES AND REGULATIONS

1. Location/Dates/Hours

The 2012 Farmers Market season will be from April 1, 2012 through November 30, 2012 in the South Lot on Walnut Street, west of Pine Street (City parking lot #5), from 9:00 a.m. to 9:00 p.m. daily.

2. Fees

Farmers shall obtain a Farmer's Market permit at a cost of \$35.00 for the season. Upon approval of application and crop plan by the Market Manager, the City Clerk shall issue a permit and collect fees.

3. Number of Spaces Occupied by Individual

The sale of spaces shall be limited to two per individual/family with the provision that individuals/families be prohibited from occupying more than two spaces. Sub-letting or loaning of a market space is prohibited.

4. Produce/Merchandise Offered for Sale

Permits shall be issued for the sale of edible items, horticultural products, and homemade baked goods. Alcoholic beverages or products containing alcohol are strictly forbidden.

Selling of produce and/or merchandise will only be conducted during market hours.

5. Eligibility of Farmers

- A. Farmers must be bona fide New York State farmers who individually grow and harvest fresh fruits and vegetables and market them directly to consumers.
- B. Farmers participating in the market must grow 50% or more of the fruits and vegetables they offer for sale on any market day.
- C. Farmers must be willing to participate in the Farmers Market Nutrition Program.
- D. Participating farmers must be bona fide producers of fresh fruit and vegetables and must submit a crop plan (on required form) listing items to be grown for sale at the market, acreage or row feet of production, and months of availability.
- E. Farmers must be able to supply a sufficient volume and variety of high quality, locally grown fresh fruits and vegetables to meet the needs of WIC participants in the community.

6. Compliance with Laws/Display of Permits/Parking Lot Clean-up

Vendors/farmers are responsible for complying with state and local laws and regulations regarding the sale of fresh and processed food and agricultural products, including sanitary packaging, labeling, weights and measures, and sales tax regulations. Vendors/farmers also must display, at all times, their NYS Tax ID number for taxable items and Health Department Permits for foods requiring same and the City of Lockport Market Permit.

Each vendor/farmer is responsible each day for the clean up of their space.

There shall be no overnight storage of vehicles or products.

7. Display of Products

Products will be displayed in a way that will only encompass the participant's space and will not endanger the public or obstruct the area where customers will walk. Farmers may, at their own expense, erect a removable shelter.

8. Conduct of Participants/Revocation of Permit

All vendors/farmers are expected to conduct themselves in an orderly manner. Any conflicts, including harassment, name-calling, profane language, or fighting will result in revocation of the Farmer's Market Permit.

9. Advertising Prohibited

No spaces may be used for the promotion of political candidates or for the sole purpose of distribution of literature or to solicit signatures or addresses for home appointments of any kind. No farmer shall erect any signage.

10. Market Manager

The designated market manager is the City Clerk.

11. Permit Application/Crop Plan

Each vendor/farmer agrees to abide by these Rules and Regulations and complete the application and crop plan on required forms available at the Clerk's Office.

12. Breach of Regulations

Any breach of these regulations may result in dismissal from the market.

The City Clerk, subject to Corporation Counsel approval, is authorized to execute an agreement with the New York State Department of Agriculture & Markets to administer the Farmers' Market Nutrition Program.

The City Clerk is authorized and directed to develop any necessary guidelines he feels appropriate.

and, be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for installing signage denoting the Farmers' Market.

Seconded by Alderman Genewick and adopted. Ayes 6.

030712.10

By Alderman Schrader

Resolved, that pursuant to their request, Lockport CARES be and the same is hereby granted permission to use Altro Park and restroom facilities overnight on Friday, May 18, 2012 beginning at 7:30 p.m. and ending on Saturday, May 19, 2012 at 9:00 a.m. to conduct a "Sleep Out for the Homeless" fund raiser and awareness event. Said permission is subject to the coordination with the Highways and Parks Department and Department of Youth & Recreation.

Seconded by Alderman Lombardi and adopted. Ayes 6.

030712.11

By Alderman Kibler:

Whereas, the trees uprooted from the wind storm of April 28, 2011 must be chipped to less than one inch in size to prevent the spread of the invasive insect the Emerald Ash Borer, and

Whereas, the Federal Emergency Management Association will reimburse the City of Lockport for 75% of the cost and requires that the trees be chipped, and

Whereas, the State of New York will reimburse the City of Lockport for 12.5% of the cost, and therefore it be

Resolved, that the bid proposal of Terry Tree Service, 225 Ballantyne Road, Rochester, NY which was received on February 24, 2012, for Chipping of Trees be accepted in the amount of \$ 28,700 plus a contingency of 10%. Cost of same to be charged to account to be determined by the city Treasurer, and be it further

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to execute a contract with Terry Tree Service for Chipping of Trees.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

030712.11A

By Alderman Schrader:

Resolved, that pursuant to the request of Sweet 16 Café, permission is hereby granted to maintain a sign in the City's right-of-way at 16 West Main Street, Lockport, NY subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the sign must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

payment of the revocable permit fee of \$100.00 renewable annually.

Seconded by Alderman Genewick and adopted. Ayes 6.

030712.12

ADJOURNMENT

At 6:12 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, March 21, 2012.

Seconded by Alderman Schrader and adopted. Ayes 6.

RICHELLE J. PASCERI
City Clerk